

Nutrient Management and Waitaki Plan Change

Questions and Answers

23 June 2017

What happened last week?

On 15 June, Environment Canterbury adopted the recommendations of the independent hearing commissioners on the Nutrient Management and Waitaki Plan Change (Plan Change 5) to the Land & Water Regional Plan) as the Council's decision on Plan Change 5.

What does this mean?

This is another step in the process towards Plan Change 5 becoming operative. It does not mean the rules have immediate legal effect. See "When do the rules apply?", page 3.

What happens next?

The decision will be notified tomorrow – 24 June 2017.

Those who lodged a submission on Plan Change 5 can file an appeal against the Council's decision on the Plan Change, within 20 working days of notification. Appeals must be filed in the High Court and must relate to a point of law.

Environment Canterbury will be discussing the potential implications of the Plan Change with key stakeholders, to assist in implementation.

What is the Canterbury Land & Water Regional Plan?

The Canterbury Land & Water Regional Plan sets out the planning framework for the management of land and water resources in Canterbury. It is one of the key methods for implementing the Canterbury Water Management Strategy, a community led collaborative approach to improve water quality outcomes throughout the region.

What is the Nutrient Management and Waitaki Plan Change?

The Plan Change addresses water quality issues both throughout the Canterbury region, and also specifically within the Waitaki catchment (*Figure 1*). The Plan Change requires farming activities to

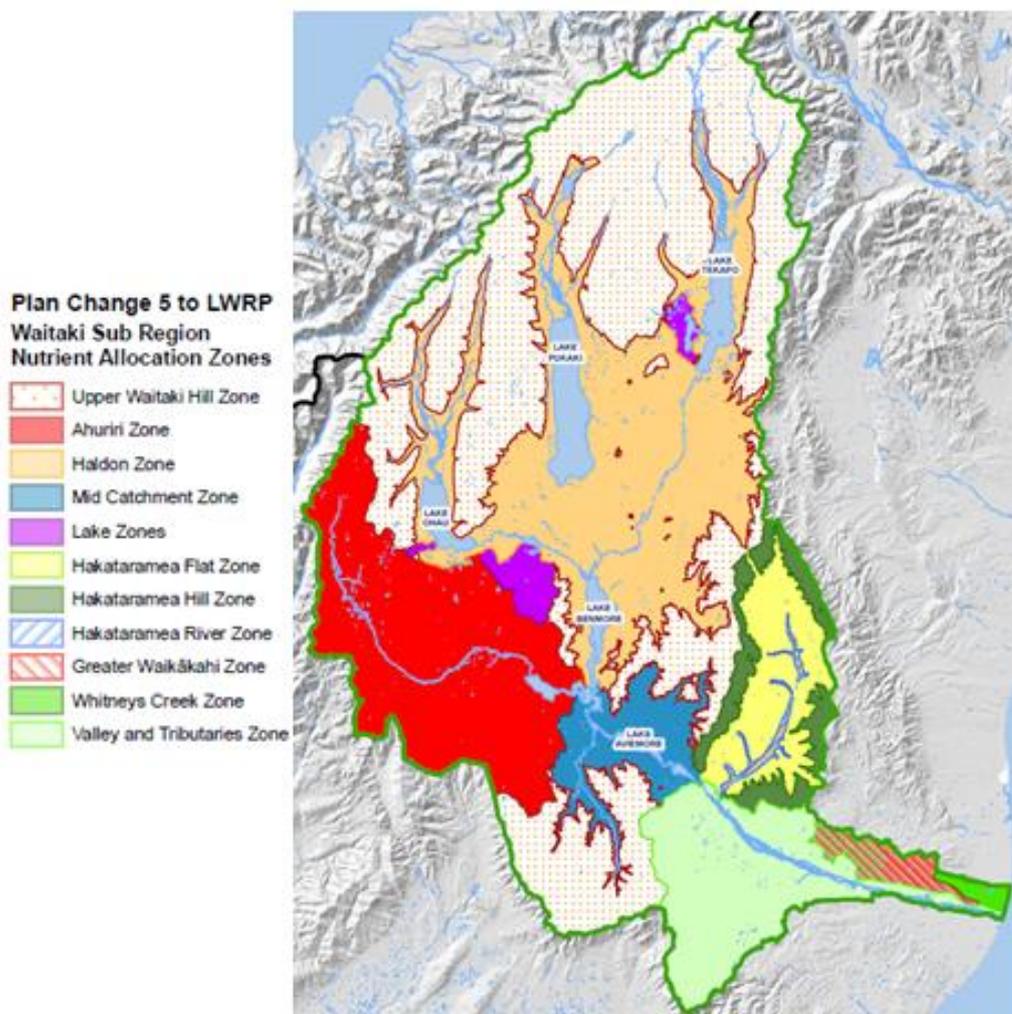


Figure 1

operate at Good Management Practice, and is structured in two parts (Part A and Part B).

Part A

Introduces new definitions, policies, rules, limits and schedules to require farming activities to operate at “Good Management Practice”.

New rules have been proposed which restrict (as a permitted activity) the area of a property that may be irrigated or used for winter grazing of cattle. In addition, permitted farming activities will be required to prepare a Management Plan and register with their farming activity on the Farm Portal.

Where these requirements are not met, a resource consent will be required and farming activities will be restricted to nitrogen loss limits that represent Good Management Practice. Farming activities that require a resource consent will need to include with their application for resource consent a Farm Environment Plan that describes the practices to be implemented on farm, and include a report from the Farm Portal, a web-based tool that estimates the nitrogen loss rate for a farming activity if operated at Good Management Practice.

Part B

Part B introduces a new Section 15B into the Land & Water Regional Plan to manage water quality in the Waitaki catchment. New water quality outcomes, limits, policies, rules and schedules are proposed to manage a range of activities, including farming, aquaculture and discharges from industrial and community sources.

Part B adopts, with modification, the nutrient management framework in Part A of the Plan Change. New rules restrict the area of a property that may be used for winter grazing or irrigation. Where these restrictions cannot be met, a resource consent will be required and compliance with nitrogen limits that represent Good Management Practice.

New policies and rules are proposed that require freshwater aquaculture operations to apply for a resource consent and manage their activity in accordance with an Aquaculture Management Plan.

A new minimum flow regime is proposed for Whitney's Creek, together with new rules that restrict transfers of surface water permits, to protect in-stream values.

Where does the Nutrient Management and Waitaki Plan Change apply?

Part A applies across throughout the Canterbury region, except where policies and rules in a sub-region section of the Land & Water Regional Plan prevail. This includes the area covered by the Hurunui and Waiau River Regional Plan, the Selwyn Te Waihora catchment (Plan Change 1 to the Land & Water Regional Plan), the Hinds catchment (Plan Change 2), and the South Coastal Canterbury catchment (Plan Change 3).

When do the rules apply?

Most of the rules in the Plan Change have legal effect when it is made operative. This can happen only after the period for lodging appeals has passed and all appeals lodged have been determined or withdrawn. At that point Council will be in a position to determine when to make the Plan Change operative.

The rules that have immediate legal effect at the date of notification of the Council's decision on the Plan Change all apply only within the Waitaki catchment. Rules that regulate farming activities within the Upper Waitaki Freshwater Management Unit apply immediately, together with rules that regulate aquaculture operations

What is the Nutrient Management and Waitaki Plan Change seeking to achieve?

The Plan Change seeks to improve water quality throughout Canterbury and within the Waitaki catchment in accordance with the National Policy Statement for Freshwater Management 2014.

The Plan Change aims to achieve this by requiring farming activities to operate at "Good Management Practice", and limiting farming activities to nitrogen loss rates that reflect Good Management Practice.

All farming activities on properties greater than 10 hectares are required to register their farming activity on the Farm Portal and prepare a Management Plan that describes the actions that will be implemented to achieve Good Management Practice.

Farming activities that exceed the permitted limits for irrigation or winter grazing will be required to obtain a resource consent, prepare and implement a Farm Environment Plan, and, by 1 July 2020, adhere to Baseline Good Management Practice and Good Management Practice Loss Rates.

What is Good Management Practice?

Good Management Practice was defined by the Matrix of Good Management project. That project defined Good Management Practice as the practices described in the September 2015 document "Industry-agreed Good Management Practices relating to water quality" and developed a suite of modelling proxies to quantify nitrogen losses from farming activities operating at Good Management Practice.

From 1 July 2020, the Plan Change limits nitrogen losses from farming activities to a "Baseline GMP Loss Rate". The Baseline GMP Loss Rate is an historical limit calculated by the Farm Portal. It is defined as the nitrogen loss rate for the farming activity between the 2009 – 2013 period for the farming activity if operated at Good Management Practice. The Baseline GMP Loss Rate acts as a "nitrogen limit" for farming activities.

The Plan Change also requires that farming activities which require a resource consent always operate at the Good Management Practice Loss Rate for their current farming activity. If that GMP Loss Rate is lower than the Baseline GMP Loss Rate, they must adhere to the lower rate.

Glossary

Baseline GMP Loss Rate

The Baseline GMP Loss Rate for a farming activity is the loss rate for the Nitrogen Baseline, if operating at Good Management Practice, as estimated by the Farm Portal.

GMP Loss Rate

The GMP Loss Rate for a farming activity is the Nitrogen Loss Calculation, if operating at Good Management Practice, as estimated by the Farm Portal.

What are the main changes in the decision on the Nutrient Management and Waitaki Plan Change?

The Council's decision on the Plan Change includes changes by the hearing commissioners in response to submissions on the Plan Change.

For Part A of the Plan Change, the key changes are:

- The area of a property permitted to be used for winter grazing has changed from a fixed threshold of 20 hectares in the notified Plan Change to a "percentage of property" amount
- New rules have been included that allow, in limited circumstances, an application for resource consent to be applied for where the Farm Portal is unable to generate a Baseline GMP Loss Rate or GMP Loss Rate, or the farming activity is unable to be modelled by OVERSEER®
- High qualification requirements for auditors of Farm Environment Plans (Certified Farm Environment Plan Auditors)
- The inclusion of a new target in the Farm Environment Plan that requires consideration of mahinga kai values
- A change to the proxy to model the application of irrigation water under Good Management Practice.

For Part B of the Plan Change, the key changes are:

- The removal of the requirement for some farming activities to operate "beyond Good Management Practice"
- Within the lower Waitaki, an exemption to the requirement to obtain a land use consent for a farming activity has been proposed, provided that the farming activity is subject to a water permit granted within specified dates and the permit includes as a condition of consent the requirement for an audited management plan.

Have any changes been made to the Farm Portal that affect estimated nitrogen loss rates for farming activities operating at Good Management Practice?

The Farm Portal uses a suite of "modelling proxies" (described in Schedule 28 of the Plan Change) to estimate nitrogen loss rates from farming activities operating at Good Management Practice.

Method s28.4 of the Plan Change describes the key assumptions applied by the Farm Portal when modelling the application of irrigation water under Good Management Practice. Changes have been made to Method s28.4 which affect how the Farm Portal estimates a Baseline GMP Loss Rate and Good Management Practice Loss Rate for a property that is irrigating on to soils with a Profile Available Water between 40 mm and 80mm. The changes assume an efficient irrigation system (capable of applying soils at application depths of 10mm) is used and that less drainage through the soil profile will happen. For some properties, this may result in a lower Baseline GMP Loss Rate or Good Management Practice Loss Rate being generated by the Farm Portal.

Have there been any changes to the Farm Environment Plan template (Schedule 7)?

Changes have been made to the Farm Environment Plan template (Schedule 7) to better align the objectives and targets in the schedule with the practices described in the *Industry agreed Good Management Practices relating to water quality*. An additional target has been included to require enhancement of mahinga kai values adjacent to waterbodies.

Does the Nutrient Management and Waitaki Plan Change mean more irrigation in at risk areas like the Mackenzie?

Intensification in “at-risk” areas in the Mackenzie is restricted through new policies and rules in the Plan Change. Some environmental gains and reductions in the nitrogen load will be achieved by farmers moving to Good Management Practice. Any application for resource consent in an “at-risk” area is required to have an audited Farm Environment Plan, identify any areas of significant indigenous biodiversity, and list the methods that would be taken to mitigate any adverse effects.

How else is environmental protection in the Waitaki promoted by the Plan Change?

The move to Good Management Practice will help ensure there is no change in trophic state – particularly in the Ahuriri Arm of Lake Benmore.

The Plan Change includes nitrogen load limits for aquaculture operations, community wastewater and industrial discharges and policies and rules to restrict intensification that may exceed nitrogen limits.

Biodiversity and cultural values are managed through farm environment plans.

More information

<https://www.ecan.govt.nz/get-involved/news-and-events/2017/nutrient-management-and-waitaki-plan-change-recommendations-accepted/>

<http://previous.ecan.govt.nz/our-responsibilities/regional-plans/lwrp/Pages/Nut-man-waitaki-PC5.aspx>